



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, 23 दिसम्बर, 1977/2 पौष, 1899

GOVERNMENT OF HIMACHAL PRADESH

REVENUE DEPARTMENT

NOTIFICATION

Simla-171002, the 1st December, 1977

No. Rev. 2-A(3)-2/76.—In exercise of the powers conferred on him under section 21 of the Himachal Pradesh Relief of Agricultural Indebtedness Act, 1976 (No. 17 of 1976), the Governor of Himachal Pradesh proposes to make rules, the draft of which is hereby published in Himachal Pradesh Rajpatra for the information of the persons affected thereby, as required by sub-section (3) of the said section.

2. Any person who has any objection or suggestion to make to the proposed rules may send the same to the Secretary (Revenue) to the Government of Himachal Pradesh within a period of one month from the date of publication of the draft rules in the above Rajpatra. The objections and suggestions received within the period specified above, shall be duly taken into consideration before finalising the rules.

DRAFT RULES

1. Short title and commencement.—(1) These rules may be called the Himachal Pradesh Relief of Agricultural Indebtedness Rules, 1977.

(2) They shall come into force on the date of their publication in the official Gazette.

2. Definitions.—In these rules, unless there is anything repugnant in the subject or context:—

- (a) “the Act” means the Himachal Pradesh Relief of Agricultural Indebtedness Act, 1976 (No. 17 of 1976);
- (b) “form” means a form appended to these rules;
- (c) “section” means a section of the Act.

3. Determination of debt.—(1) A small farmer may within three years from the date of incurring the debt, apply under sub-section (1) of section 14 to the authority for the local areas within which such small farmer ordinarily resides.

(2) Any of the creditors of a small farmer may, unless the small farmer has already made an application under sub-section (1) of section 14, apply under sub-section (2) of that section in the manner and to the authority referred to in sub-rule (1) for such determination of debt. The application of the creditor shall not be entertained if the small farmer makes an application under sub-rule (1) within the period referred to therein.

(3) Where applications are made to more than one authority, the authority to whom an application in respect of the same debt is first made shall be the authority to determine the debt. If applications in respect of the same debt are pending before any other authority the said application shall be transferred to whom the first application was made.

(4) An application by a small farmer or a creditor shall be in Form I and shall be accompanied by a court-fee stamp of fifty paise only.

(5) An application by a small farmer or creditor may be presented before the authority personally or through an authorised representative with the permission of the authority.

4. The procedure to be followed by an authority in a proceeding.—(1) As soon as an application is received by an authority, he shall issue notice to both the parties in Form II, fixing a date of appearance and hearing. At the time of hearing the authority shall record the evidence, if any, of both sides, first of the applicant and then of the opposite party and while recording evidence, cross-examination of the parties and their witnesses by the opposite parties or their representatives, if permitted by the authority, shall be allowed. The evidence shall be recorded in the narrative form. After hearing the parties, the authority shall determine the actual debt in question showing the principal and interest up to the date of such order and he shall record the reasons of such determination.

(2) When an application made to an authority is transferred to another authority under sub-section (3) of section 14, the authority before whom the application has been transferred shall follow the procedure laid down in sub-rule (1).

(3) The parties shall be entitled to certified copies of the final order on payment of a fee of rupee one and such fee shall be payable in court fee stamps.

5. *Order of determination of debt and interest.*—The order showing determination of the debt and the interest shall be in Form III.

6. *Order of the authority under section 16.*—In every case, the authority shall make an order under section 16.

7. *Appeals.*—(1) A Memorandum of Appeal may be presented to the Appellate Officer by the appellant personally or through an authorised representative with the permission of the Appellate Officer.

(2) The Memorandum of Appeal shall be in Form IV and shall be accompanied by a certified copy of the order appealed against together with a court-fee stamp of five rupees.

(3) On receipt of a Memorandum of Appeal the Appellate Officer shall fix a date for hearing and shall issue notice to the parties intimating the date of hearing and shall dispose of the appeal as expeditiously as possible giving reasons for his decision.

(4) A certified copy of the order of the Appellate Officer may, on application, be granted on payment of a fee of rupees two in court-fee stamps.

8. *Maintenance of registers.*—Every authority and Appellate Officer shall maintain a register showing the particulars of all applications under section 14 and all appeals under section 20 and the register shall contain the following particulars:—

- (a) Serial No.
- (b) Date of filing.
- (c) Name(s) of applicant/appellant.
- (d) Name(s) of opposite party/respondent.
- (e) Date when final order is passed.
- (f) Final order in brief.
- (g) Amount of court-fees realised.

FORM I

(See rule 3)

To

The

.....

(Authority)
Naib Tehsildar, Tehsil/Sub-Tehsil

Sir,

I beg to make an application under section 14 (1)/14(2) of the Himachal Pradesh Relief of Agricultural Indebtedness Act, 1976 and the particulars are given below:—

1. Name and address of the creditor(s).
2. Name and address of the small farmer(s).
3. Date of incurring debt or debts.
4. Amount of principal with respect of each creditor,

5. Amount and rate of interest with respect of each creditor.
6. Extent of small farmer's land holding for the whole family specifying how much is irrigated and non-irrigated land and how much owned and how much occupied as tenant.
7. Any other family income through profession or service in the year preceding year of filing the petition.
8. Total income of the small farmer's family in the preceding year.
9. Relief sought with reasons.

I now pray for an order under section 15 of the Act,

Yours faithfully,

Small Farmer/Creditor.

FORM II

[See rule 4 (1)]

To

.....
Small Farmer/Creditors

Sir,

Shri..... of has submitted an application under section 14(1) or 14 (2) (as may be applicable) before me on (date) and the said application has been set down for hearing before me on at A.M./P.M. You are directed to attend and show cause why the application shall not be allowed. In case you fail to appear and/or show cause in writing without any reasonable excuse, the application shall be heard *ex parte*. In case you are physically or mentally infirm or you cannot read and write (which fact you have to prove to my satisfaction), you may send your authorised representative.

Yours faithfully,

.....
*Authority,
Official designation.*

FORM III

[See rule 5]

ORDER

Present:

Name..... (Designation)
Authority for Tehsil.

1. Name and address of the applicant small farmer/creditor
2. Name and address of the opposite party/parties.
3. Amount of debt determined with principal and interest.

4. Reasons for coming to such finding on the basis of evidence.
5. Order of the authority.

.....
Authority

*Seal and official designation
of authority.*

FORM IV

[See rule 7 (2)]

To

.....
(Name and designation of the Appellate Officer)

Appellate Officer Sub-Division/District.

Sir,

I beg to prefer an appeal under section 20 (1) of the Himachal Pradesh Relief of Agricultural Indebtedness Act, 1976 against the decision/order of the authority and the particulars are given below:—

1. Name and address of the applicant small farmer/creditor/debtor.
2. Name and address of opposite party/creditor/small farmer.
3. Amount of debt (Principal and interest involved)
4. Date of disposal of the case before the authority.
5. If a certified copy has been enclosed.
6. Brief reasons for preferring the appeal, against the order of the authority.

I pray for an order under section 20 (4) of the Act modifying or setting aside the order of the authority.

Yours faithfully,

Appellant/Small Farmer/Creditor.

उप-नियन्त्रक मुद्रण तथा लेखन-सामग्री, हिमाचल प्रदेश, शिमला-३ द्वारा महित तथा प्रकाशित ।